

REMARKS/ARGUMENTS

Prior to this Amendment, the application included claims 1-30. Claims 1-30 were rejected in the Office Action dated February 13, 2009. No claims have been amended. No claims have been canceled. Claims 31 and 32 have been added. Hence, after entry of this Amendment, claims 1-32 stand pending for examination.

Claims 1-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gustin et al. (U.S. 6,012,048) ("Gustin") in view of Knight et al. (U.S. Pub. 2001/0034682) ("Knight").

Claims 18, 20-21, 23-27, and 29-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gustin in view of Barbara (U.S. Pub. 2002/0016769) ("Barbara") and further in view of Kosuda (U.S. Pub. 2001/0051923) ("Kosuda").

Claim 19 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Gustin in view of Barbara, Kosuda, and further in view Apostolides (U.S. Pub. 2005/0075968).

Claims 22 and 28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gustin in view of Barbara, Kosuda, and further in view of Orcutt (U.S. Pub. 2005/0097050).

Rejections Under 35 U.S.C. 103(a):

The Applicants respectfully traverse the rejections of all claims rejected under 35 U.S.C. § 103. The Applicants believe the rejections to be improper because the Office has not cited a reference that teaches or suggests each and every claim element. Specifically, regarding claim 1, the Applicants are unable to locate "determining with the intermediary computer system which one of the banking networks is associated with the bank account that is to receive the money." The Office Action states that this element is found in Knight, citing ¶¶ 4, 7, 10, 24, 33-35 and 40. None of these paragraphs teach the element, however. While Knight appears to teach directing payments to particular international banks, the claimed determination, based on a bank account is outside the scope of Knight because Knight is not an account-to-account system.

Accordingly, Knight fails to teach or suggest “determining with the intermediary computer system which one of the banking networks is associated with the bank account that is to receive the money,” and claim 1 is believed to be allowable, at least for this reason.

Moreover, the Office Action does not include a “clear articulation” of the reasons one skilled in the art would have found the claimed invention obvious in view of Knight and Gustin. The stated reason is a quote from Knight, ¶ 4, but the cited teaching relates to the problem faced by Knight and does not illuminate why one skilled in the art would have found it obvious to combine Knight with Gustin to make the claimed invention. Accordingly, claim 1 is believed to be allowable, at least for the reasons stated above.

Similarly, claims 5, 11, and 14 are rejected based on the Knight/Gustin combination using the same obviousness rational as the rejection of claim 1. For similar reasons as those discussed above, the rejections are improper because the cited reason or motivation is hindsight reasoning to justify the combination that was reached using the Applicants’ claims as a roadmap. Accordingly, the Office has not satisfied its burden to clearly articulate a reason one skilled in the art would consider the claimed invention obvious.

Claim 18 is believed to be allowable because the cited references do not teach or suggest, “incorporating the account number, bank name and location into a transaction identifier.” The citation to Kosuda, because Kosuda’s teaching appears to relate to account nomenclature and not to transaction identifiers. Claim 25 includes a similar element. Accordingly, the rejections of claims 18 and 25 are believed to be improper, at least for this additional reason.

The remaining claims depend from one of the independent claims discussed above and are believed to be allowable, at least for the foregoing reasons.

Moreover, new claims 31 and 32 based on teachings from ¶[0029], are believed to be allowable because the cited reference do not teach or suggest a host computer system that is configured to return to one of the point of sale devices a list of prior transaction of the customer

and receive a selection from among the prior transactions.” Claims 31 and 32 are believed to be allowable, at least for this additional reason.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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